

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL KINCAID,

Plaintiff,

v.

COUNTY OF DOUGLAS, NEBRASKA,
et al.,

Defendants.

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8:04CV287

ORDER TO SHOW CAUSE

This matter is before the magistrate judge for full pretrial supervision. The court has attempted to schedule a Rule 16 planning conference on several occasions since November 2004. The plaintiff's former attorney appeared for Rule 16 conferences on February 14, 2005 and March 14, 2005. On both occasions, former counsel advised that she had been unable to locate the plaintiff since September 22, 2004.

On April 18, 2005, former counsel filed a status report indicating that she had been able to reestablish contact with Mr. Kincaid; however, on July 7, 2005, counsel filed a motion for leave to withdraw. The motion was granted after a hearing on July 28, 2005. Mr. Kincaid failed to appear at the July 28, 2005 hearing, although he was ordered to do so.

NECivR 41.1 provides that "[t]he court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence." It appears to the court that this case should be subject to dismissal pursuant to NECivR 41.1 due to the plaintiff's failure to prosecute this case with reasonable diligence.

IT IS ORDERED:

1. Plaintiff, Michael Kincaid, shall show cause why this case should not be dismissed for failure to prosecute. The showing of cause shall be filed with the Clerk of the Court no later than the close of business on **August 15, 2005**. Failure to do so will result in a recommendation that this case be dismissed pursuant to NECivR 41.1.

2. The Clerk shall mail a copy of this order to plaintiff at his last known address.

DATED July 29, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge